

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WILLIAM WADDELL, **PLAINTIFF,**

VS. **CIVIL ACTION 4:04CV226-P-B**

RAJNIKANT DAYA d/b/a LEVEE INN, **DEFENDANT**

Consolidated with

WILLIAM E. PRINCE, **PLAINTIFF,**

VS. **CIVIL ACTION 4:04CV259-P-B**

RAJNIKANT DAYA d/b/a LEVEE INN, **DEFENDANT.**

ORDER

This matter comes before the court upon Defendant's Sixth Motion in Limine to Exclude William Prince from Testifying Regarding Torn Rotator Cuff [43-1]. Upon due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

It appears from the instant motion, the response filed thereto, and the defendant's reply that Plaintiff William Prince's treating physician, Dr. Dabny Hofamman, has not opined that with a reasonable degree of medical certainty Prince's torn rotator cuff was caused by the subject event. Therefore, Plaintiff William Prince should not be allowed to testify that his torn rotator cuff was caused by the subject event.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's Sixth Motion in Limine to Exclude William Prince from Testifying Regarding Torn Rotator Cuff [43-1] is **GRANTED**; therefore,

(2) Testimony by William Prince that his torn rotator cuff was caused by the subject incident is hereby **EXCLUDED**.

SO ORDERED this the 19th day of December, A.D., 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE